

U.S. Department of Justice
United States Marshals Service

PROCESS RECEIPT AND RETURN

See "Instructions for Service of Process by U.S. Marshal"

PLAINTIFF	COURT CASE NUMBER
UNITED STATES OF AMERICA	CA 03-364Erie MISC. 04-96
DEFENDANT	TYPE OF PROCESS
TIMOTHY B MOON AND EVE L MOON	WRIT OF EXECUTION/NOTICE
SERVE AT	NAME OF INDIVIDUAL COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN
	TIMOTHY B MOON
	ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) 493 UPPER SAGE RUN ROAD OIL CITY, PA 16301

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW

BERNSTEIN LAW FIRM, P.C.
Suite 2200 Gulf Tower
Pittsburgh, PA 15219
(412) 456-8100

Number of process to be served with this Form 235

Number of parties to be served in this case

Check for service on U.S.A.

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available for Service):

SERVE THE ABOVE INDIVIDUAL BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED. IF MAIL IS RETURNED "UNCLAIMED", SERVE PERSONALLY. MUST SERVE BEFORE 7-16-05, WHICH IS 30 DAYS BEFORE DATE OF SALE. WHEN FILING YOUR RETURN ON THIS FORM 285, PLEASE ATTACH EXTRA COPIES OF DOCUMENTS WHICH WE PROVIDE HERewith.

Signature of Attorney other Originator requesting service on behalf of:

☒ PLAINTIFF

☐ DEFENDANT

TELEPHONE NUMBER

412-456-8100

DATE

6-29-05

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY-- DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only for USM 285 if more than one USM 285 is submitted)	Total Process <u>3</u>	District of Origin No. _____	District to Serve No. <u>68</u>	Signature of Authorized USMS Deputy or Clerk	Date
---	---------------------------	---------------------------------	------------------------------------	--	------

I hereby certify and return that I ☐ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above on the on the individual, company, corporation, etc. shown at the address inserted below.

☒ I hereby certify and return that I am unable to locate the individual, company, corporation, etc. named above (See remarks below)

Name and title of individual served (if not shown above)

☐ A person of suitable age and discretion then residing in defendant's usual place of abode

Address (complete only different than shown above)

Date
UNEX Time 4:00 ☐ am ☒ pm

Signature of U.S. Marshal or Deputy

Service Fee <u>\$135.00</u>	Total Mileage Charges including endeavors <u>0</u>	Forwarding Fee	Total Charges <u>\$135.00</u>	Advance Deposits	Amount owed to U.S. Marshal or (Amount of Refund)
--------------------------------	---	----------------	----------------------------------	------------------	---

REMARKS: FORWARD TO ERIC 6-30-05
7/14/05 Attempted Service (Posted Handbill Notice & Notice of Attempt to serve)
SEE 285 (Handbill for mileage) (Writ of Execution)

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

Plaintiff,

VS.

Civil Action No. 03-364Erie

Misc. No. 04-9E

TIMOTHY B MOON and
EVE L MOON

Defendant

WRIT OF EXECUTION-REISSUE

United States of America)

Western District of Pennsylvania)

SS:

To the United States Marshal, Western District of Pennsylvania:

To satisfy Judgment, interest and costs in the above matter you are directed to levy upon and sell the following described property:

ALL the certain piece or parcel of land situate in the Township of Cranberry, County of Venango, Commonwealth of Pennsylvania, bounded and described as follows, to-wit:

PARCEL NO. 1: BEGINNING at a point on the north line of the Upper Sage Run road located sixteen (16) feet northwesterly from the southeasterly corner of a tract of land containing 3.511 acres conveyed to John W. Heffner, et ux, by Ada I. Sampsell by deed dated February 24, 1934, recorded in the Recorder's Office of Venango County, Pennsylvania, in Deed Book 444, Page 180, which beginning point marks the intersection of the west line of a private road sixteen (16) feet in width, with the north line of Upper Sage Run Road; thence along the north line of said Upper Sage Run Road, North 56 degrees 15 minutes West, one hundred twenty-seven (127) feet to a point; thence North 25 degrees 42 minutes East, one hundred fifty-two (152) feet to a point on the southerly line of a private road sixteen (16) feet in width and leading in a westerly direction from the first mentioned private road to the dwelling house of John W. Heffner, et ux; thence eastwardly along the southerly line of said private road forty-seven (47) feet to a point on the west line of the first mentioned private road; thence along the west line of said first mentioned private road and parallel to and sixteen (16) feet westerly from the east line of land conveyed to John W. Heffner, et ux, by Ada I. Sampsell as aforesaid, South 2 degrees 45 minutes East one hundred ninety-six (196) feet to the place of beginning.

PARCEL NO. 2: BEGINNING at a point on the north line of the Upper Sage Run Road located North 56 degrees 15 minutes one hundred forty-three (143) feet from the southeast corner of a tract of land containing

3.511 acres conveyed to John W. Heffner, et ux, by Ada I. Sampsell by deed dated February 24, 1934, recorded in the Recorder's Office of Venango county, Pennsylvania, in Deed Book 444, Page 180, which beginning point also marks the southwesterly corner of another tract of land conveyed by John H. Heffner, et ux, to H. Lewis Moore, et ux, by deed of even date herewith; thence along the north line of said Upper Sage Run Road, North 56 degree 15 minutes West, seventy (70) feet to a point; thence along other lands now or formerly of Grantors, North 25 degrees 42 minutes East, one hundred thirty-eight (138) feet to a point on the southerly line of a private road sixteen (16) feet in width leading in a westerly direction to the dwelling house of now or formerly Grantors; thence in an easterly direction along the southerly line of a private road, seventy (70) feet, more or less, to a point marking the northwest corner of land conveyed by John H. Heffner, et ux, to H. Lewis Moore, et ux, as aforesaid; thence along the westerly line of lands so conveyed to Moore, South 25 degrees 42 minutes West, one hundred fifty-two (152) feet to the place of beginning.

PARCEL NO. 3: BEGINNING at a point on the northerly right-of-way line of Upper Sage Run Road, said road having a 33 degree right-of-way, said point being the southeast corner of property owned by J.W. Heffner; thence North 56 degrees 47 minutes 41 seconds West, 19.77 feet along the northerly right-of-way line of Upper Sage Run road, to a railroad spike, at the southeast corner of property now or formerly of H. Lewis Moore; thence along property now or formerly of H. Lewis Moore, North 2 degrees 45 minutes 00 seconds West, 196.00 feet to a railroad spike; thence continuing along lands now or formerly of H. Lewis Moore, North 70 degrees 35 minutes 37 seconds West, 34.19 feet to a railroad spike; thence continuing along lands now or formerly of H. Lewis Moore, North 68 degrees 18 minutes 37 seconds West, 69.44 feet to a railroad spike; thence continuing along lands now or formerly of H. Lewis Moore, South 25 degrees 09 minutes 19 seconds West 138.00 feet to a railroad spike on the northerly right-of-way line of Upper Sage Run Road; thence along the northerly right-of-way line of Upper Sage Run Road, North 56 degrees 47 minutes 41 seconds West, 38.32 feet to a railroad spike; thence North 25 degrees 09 minutes 19 seconds East, 273.96 feet to a 5/8 rebar, passing through a 5/8 rebar at 9.03 feet; thence North 48 degrees 15 minutes 19 seconds West, 62.13 feet to a 5/8 rebar; thence North 60 degrees 17 minutes 41 seconds West, 93.85 feet to a 5/8 rebar, on the east line of property owned now or formerly by Robert M. Ritts; thence along the east line of land now or formerly of Robert M. Ritts, North 23 degrees 14 minutes 00 seconds East, 449.69 feet to a 1 iron piper; thence along the west line of land now or formerly of Raymond J. Zacherl, South 3 degrees 14 minutes 05 seconds East, 563.66 feet to a 1 iron pipe thence along the west line of land now or formerly of H. Shontz, South 2 degrees 45 minutes 00 seconds east, 326.38 feet to the point of beginning, passing through a 1 steel bar at 323.48 feet. Containing 1.84 acres, more or less.

Being the same premises as convey to Timothy B Moon and Eve L Moon by deed dated June 14, 1996, and Recorded in Venango County Recorder of Deeds Office at Deed Book Volume 54, Page 928 and bearing Venango County Assessment Index No. 8-45-4 A.

Issue Writ of Execution in the above matter:

Principal	\$55,629.88
Interest to 11/15/03	\$ 4,066.23
Interest at the daily rate of \$10.29	

from 11/16/03 to 2/17/04 the date of Judgment	\$ 895.23
Interest Credit Subject to Recapture	\$
Administrative Costs	\$ 3,118.24
Clerk of Court costs to date	\$
United States Marshal's costs to date	\$ 204.00
Total	\$63,913.58

Plus interest from the date of Judgment at the legal rate and future costs to be added.

R.V. Gauthier, Jr.
CLERK OF COURT

Susan J. Shaff
DEPUTY CLERK

Seal of the Court
Date: JUN 27 2005 005

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

Plaintiff,

vs.

Civil Action No. 03-364Erie

Misc. No. 04-9E

TIMOTHY B MOON and

EVE L MOON

Defendant

NOTICE OF MARSHAL'S SALE OF REAL ESTATE

To: TIMOTHY B MOON
493 Upper Sage Run Road
Oil City, PA 16301

This is to notify you that the real estate owned by Timothy B Moon and Eve L. Moon and more fully described below, will be sold at United States Marshal's Sale on **AUGUST 26, 2005, at 11:00 a.m.** The sale will take place at the **VENANGO COUNTY COURTHOUSE, PA** The property being sold is: 493 Upper Sage Run Road, Oil City, PA. 16301.

Property situate in the State of Pennsylvania, County of Venango, Township of Cranberry, bounded and described as follows:

PARCEL NO. 1: BEGINNING at a point on the north line of the Upper Sage Run road located sixteen (16) feet northwesterly from the southeasterly corner of a tract of land containing 3.511 acres conveyed to John W. Heffner, et ux, by Ada I. Sampsell by deed dated February 24, 1934, recorded in the Recorder's Office of Venango County, Pennsylvania, in Deed Book 444, Page 180, which beginning point marks the intersection of the west line of a private road sixteen (16) feet in width, with the north line of Upper Sage Run Road; thence along the north line of said Upper Sage Run Road, North 56 degrees 15 minutes West, one hundred twenty-seven (127) feet to a point; thence North 25 degrees 42 minutes East, one hundred fifty-two (152) feet to a point on the southerly line of a private road sixteen (16) feet in width and leading in a westerly direction from the first mentioned private road to the dwelling house of John W. Heffner, et ux; thence eastwardly along the southerly line of said private road forty-seven (47) feet to a point on the west line of the first mentioned private road; thence along the west line of said first mentioned private road and parallel to and sixteen (16) feet westerly from the east line of land conveyed to John W. Heffner, et ux, by Ada I. Sampsell as aforesaid, South 2 degrees 45 minutes East one hundred ninety-six (196) feet to the place of beginning.

PARCEL NO. 2: BEGINNING at a point on the north line of the Upper Sage Run Road located North 56 degrees 15 minutes one hundred forty-three (143) feet from the southeast corner of a tract of land containing 3.511 acres conveyed to John W. Heffner, et ux, by Ada I. Sampsell by deed dated February 24, 1934, recorded in the Recorder's Office of Venango county, Pennsylvania, in Deed Book 444, Page 180, which beginning point also marks the southwesterly corner of another tract of land conveyed by John H. Heffner, et ux, to H. Lewis Moore, et ux, by deed of even date herewith; thence along the north line of said Upper Sage Run Road, North 56 degree 15 minutes West, seventy (70) feet to a point; thence along other lands now or formerly of Grantors, North 25 degrees 42 minutes East, one hundred thirty-eight (138) feet to a point on the southerly line of a private road sixteen (16) feet in width leading in a westerly direction to the dwelling house of now or formerly Grantors; thence in an easterly direction along the southerly line of a private road, seventy (70) feet, more or less, to a point marking the northwest corner of land conveyed by John H. Heffner, et ux, to H. Lewis Moore, et ux, as aforesaid; thence along the westerly line of lands so conveyed to Moore, South 25 degrees 42 minutes West, one hundred fifty-two (152) feet to the place of beginning.

PARCEL NO. 3: BEGINNING at a point on the northerly right-of-way line of Upper Sage Run Road, said road having a 33 degree right-of-way, said point being the southeast corner of property owned by J.W. Heffner; thence North 56 degrees 47 minutes 41 seconds West, 19.77 feet along the northerly right-of-way line of Upper Sage Run road, to a railroad spike, at the southeast corner of property now or formerly of H. Lewis Moore; thence along property now or formerly of H. Lewis Moore, North 2 degrees 45 minutes 00 seconds West, 196.00 feet to a railroad spike; thence continuing along lands now or formerly of H. Lewis Moore, North 70 degrees 35 minutes 37 seconds West, 34.19 feet to a railroad spike; thence continuing along lands now or formerly of H. Lewis Moore, North 68 degrees 18 minutes 37 seconds West, 69.44 feet to a railroad spike; thence continuing along lands now or formerly of H. Lewis Moore, South 25 degrees 09 minutes 19 seconds West 138.00 feet to a railroad spike on the northerly right-of-way line of Upper Sage Run Road; thence along the northerly right-of-way line of Upper Sage Run Road, North 56 degrees 47 minutes 41 seconds West, 38.32 feet to a railroad spike; thence North 25 degrees 09 minutes 19 seconds East, 273.96 feet to a 5/8 rebar, passing through a 5/8 rebar at 9.03 feet; thence North 48 degrees 15 minutes 19 seconds West, 62.13 feet to a 5/8 rebar; thence North 60 degrees 17 minutes 41 seconds West, 93.85 feet to a 5/8 rebar, on the east line of property owned now or formerly by Robert M. Ritts; thence along the east line of land now or formerly of Robert M. Ritts, North 23 degrees 14 minutes 00 seconds East, 449.69 feet to a 1 iron piper; thence along the west line of land now or formerly of Raymond J. Zacherl, South 3 degrees 14 minutes 05 seconds East, 563.66 feet to a 1 iron pipe thence along the west line of land now or formerly of H. Shontz, South 2 degrees 45 minutes 00 seconds east, 326.38 feet to the point of beginning, passing through a 1 steel bar at 323.48 feet. Containing 1.84 acres, more or less.

Being the same premises as convey to Timothy B Moon and Eve L Moon by deed dated June 14, 1996, and Recorded in Venango County Recorder of Deeds Office at Deed Book Volume 54, Page 928 and bearing Venango County Assessment Index No. 8-45-4 A.

All parties interested and claimants are hereby given notice that a schedule for distribution will be filed by the United States Marshal for the Western District of Pennsylvania not later than 30 (thirty) days after sale and distribution will be made in accordance with the schedule unless exceptions are filed thereto within ten (10) days thereafter.

Claims against property must be filed at the office of the United States Marshal before above sale date.

Claims to proceeds must be made with the Office of the United States Marshal before distribution.

Attached hereto is a copy of the Writ of Execution. It has been issued because there is a Judgment against you. It may cause your property to be held or taken to pay the Judgment. You may have legal rights to prevent your property from being taken. A lawyer can advise you more specifically of these rights. If you wish to exercise your rights, you must act promptly.

YOU SHOULD TAKE THIS NOTICE AND THE WRIT OF EXECUTION TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL ADVICE.

LAWYER REFERRAL SERVICE
PA BAR ASSOCIATION
PO BOX 186
HARRISBURG, PA 17108

You may have legal rights to prevent the Marshal's Sale and the loss of your property. In order to Telephone: exercise those rights, prompt action on your part is necessary. A lawyer may be able to help you.

You may have the right to prevent or delay the Marshal's Sale by filing, before the sale occurs, a Motion to Open or Strike the Judgment or a Petition to Stay the Execution.

If the Judgment was entered because you did not file with the Court a defense or objection you might have had within sixty (60) days after a Notice of Lawsuit and Request for Waiver of Service was sent to you or within twenty (20) days after personal service of the Complaint, you may have a right to have the Judgment opened if you promptly file a Motion with the Court alleging a valid defense and a reasonable excuse for failing to file the defense on time. If the Judgment is opened, the Sale would ordinarily be delayed pending a trial of the issue of whether the Plaintiff has a valid claim entitling it to foreclose upon or sell the real property.

You may also have the right to have the Judgment stricken if there has not been valid service of the Complaint or if the Judgment was entered before sixty (60) days after service of Notice Lawsuit and Request for Waiver of Service of Summons was sent to you or within twenty (20) days after personal service of the Complaint or in certain other events. To exercise this right, you would have to file a Motion to Strike the Judgment.

If Judgment was entered against you by confession, you may not have certain of the rights set forth above, but you still may have the right to move to have the Confessed Judgment opened or stricken on proper grounds.

You may also have the right to Petition the Court to stay or delay the execution and Marshal's Sale if you can show a defect in the Writ of Execution or service or demonstrate any other legal or equitable right.

You may also have the right to have the Marshal's Sale set aside if the property is sold for a grossly inadequate price or if there are defects in the Marshal's Sale. To exercise this right, you should file a Petition with the Court after the sale and before the Marshal has delivered his Deed to the property. The Marshal will deliver the Deed if no Petition to Set Aside the Sale is filed within 10 (ten) days from the date when the Schedule of Distribution is filed in the office of the Marshal.

Respectfully submitted,

BERNSTEIN LAW FIRM, P.C.

By: 

Lori A. Gibson, Esquire

Attorney for Plaintiff

PA I.D. #68013

Suite 2200 Gulf Tower

Pittsburgh, PA 15219

DIRECT DIAL: (412) 456-8100